

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JS, a minor 17 years of age, by her mother and natural guardian, LINDA SNYDER, individually and on behalf of all those other 16 and 17 year old minors arrested by the Nassau County Police Department and coerced into entering and appearing in the Nassau County Adolescent Diversion Program (ADP) without the statutory protections afforded to other criminal defendants in the County of Nassau, and LINDA SNYDER, individually and on behalf of all others whose cellular phone-electronic devices are seized by law enforcement officers without a warrant or under exigent circumstances in Nassau County;

LINDA SNYDER, individually and on behalf of all those other persons in Nassau County and whose cellular phones and smart phones had seized but have not yet been returned although no circumstances exist which might justify law enforcement officials in retaining those devices; and J.S., a minor, LINDA SNYDER, individually and on behalf of all the parents of those 16 and 17 year old minors arrested by the Nassau County Police Department and coerced into entering the Nassau County Adolescent Diversion Program (ADP) who underwent psychological examination and questioning by the Nassau County Probation Department without informed consent, the presence of an attorney or HIPAA release and from whom information was dissemination to the Nassau County District Attorney's Office,

Plaintiffs,

-against-

COUNTY OF NASSAU, MADELINE SINGAS as Nassau County District Attorney, PATRICK J. RYDER as Commissioner of Police, Nassau County Police Department; and the NASSAU COUNTY POLICE DEPARTMENT; Nassau County Police Detective DAMIEN SUAREZ #8794, Nassau County Police Detective BRENDAN C. GIBBS (#8774) individually and in their official capacity, NASSAU COUNTY POLICE OFFICERS JOHN AND JANE DOE #1-10, individually and in their official capacity; and HEMPSTEAD POLICE OFFICERS JOHN AND JANE DOE #1-10, individually and in their official capacity as officers of the Village of Hempstead Police Department, Hempstead Police Officer ROTH No. 1252, individually and in his official capacity ; and the Village of Hempstead Police Department; JOHN PLACKIS, as Director of Probation, and Nassau County Department of Probation, N. SCOTT BANKS as Attorney in Chief, Legal Aid Society of Nassau County; HON. JANET DIFIORE as Chief Judicial Officer of the State of New York and Chief Judge of the Court of Appeals; HON. NORMAN ST. GEORGE, District Administrative Judge, County of Nassau in the representative capacities as the administrative and procedural managers and supervisors of the Unified Court System of the 10<sup>th</sup> Judicial District; MARY MCCORMICK, as C.E.O. of Center for Court Innovation Fund for the City of New York and the Center for Court Innovation, and BRANDON CHAMBERS,

Defendants.

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19-CV-5165 (JS)(AKT)

**AFFIRMATION IN  
OPPOSITION TO  
PLAINTIFF'S AMENDED  
ORDER TO SHOW  
CAUSE**



**MICHAEL C. BECKER**, an attorney admitted to practice in the United States District Court for the Eastern District of New York, declares, pursuant to 28 U.S.C. §1746, under penalty of perjury as follows:

1. I am a member of the law firm of **RUTHERFORD & CHRISTIE, LLP**, attorneys for MARY MCCORMICK, as C.E.O. of Center for Court Innovation Fund for the City of New York and the Center for Court Innovation (hereinafter collectively "Court Innovation"). I am fully familiar with the facts and circumstances of this matter based upon my ongoing representation of Court Innovation and my review of the file maintained by my office in this matter.

2. This affirmation is submitted in opposition to the Plaintiff's Amended Order to Show Cause seeking a preliminary injunction and class certification.

3. Court Innovation hereby joins in and adopts the preliminary statements, procedural histories, statements of facts and arguments set forth in the Memorandums of Law submitted by: (1) Lori L. Pack, Esq. dated December 16, 2019, on behalf of the State defendants Opposition to a Preliminary Injunction and Class Certification; and (2) Joseph P. Muscarella, dated December 18, 2019, on behalf of the Legal Aid defendants in Opposition to the plaintiffs' Amended Order to Show Cause, as if fully set forth herein and in support of the relief requested by Court Innovation.

**WHEREFORE**, it is respectfully requested that this Honorable Court deny the plaintiffs' application in all respects.

Dated: New York, New York  
December 18, 2019

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

BY: 

Michael C. Becker, Esq.  
Attorneys for Defendants

Mary McCormick, as C.E.O. of  
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For The City of New York and  
Center for Court Innovation  
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Our File No.: 215.710

TO: **VIA ECF ONLY**

Cory H. Morris, Esq.  
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*Attorney for Nassau County Defendants*

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Joseph P. Muscarella, Esq.  
*Attorney for Legal Aid Defendants*

William J. Gary, Esq.  
*Attorney for Village Defendants*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing **AFFIRMATION IN OPPOSITION TO PLAINTIFF'S AMENDED ORDER TO SHOW CAUSE** was furnished via ECF –

Electronic Court Filing to:

Cory H. Morris, Esq.  
*Attorney for Plaintiffs*

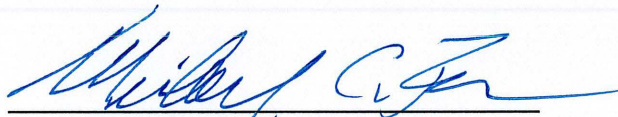
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William J. Gary, Esq.  
*Attorney for Village Defendants*

on this 18<sup>th</sup> day of December, 2019

  
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Michael C. Becker, Esq.